

REMARKS

This communication is a full and timely response to the final rejection dated October 30, 2007. By this communication, claims 1 and 11 are amended. Claims 1-23 remain pending. Reconsideration and allowance of this application are respectfully requested.

Rejections Under 35 U.S.C. §102

Claims 1-23 stand rejected under 35 U.S.C. §102(b) as anticipated by *Kozaki* (U.S. Patent Pub. No. 2002/00536760). Applicants respectfully traverse this rejection.

Applicants have amended independent claims 1 and 11 to each recite, in part, that the upper surface of the ridge is planar such that the upper electrode is in contact with the contact hole, buried layer, and protective layer. The *Kozaki* publication fails to disclose at least the aforementioned features, thereby failing to anticipate Applicants' claims.

The *Kozaki* publication discloses a nitride semiconductor where a p-type optical guide layer 110 and a p-type contact layer 111 are applied to a semiconductor structure in the form of a ridge stripe. A protective film 162 is formed on the ridge stripe such that the upper surface of the ridge stripe is exposed. The p-type electrode 120 is then formed on the surface of the exposed p-type contact layer 111, and a multilayer dielectric film 164 is formed over the p-type electrode 120. The dielectric film 164 is formed to include a contact hole such that a pad electrode 122 formed on the dielectric film 164 contacts the p-type electrode 120 through the contact hole. Figure 1, illustrates a structural configuration that does not include features as recited in Applicants' claims. Particularly, Figure 1 shows a device in

which a contact hole is formed merely in a dielectric film 164. In contrast, Applicants' claims recite that the upper surface of the ridge is planar such that the upper electrode is formed on and in contact with the contact hole, the buried layer, and the protective layer.

In an Advisory Action dated February 5, 2008, the Office alleges that the *Kozaki* publication discloses the upper surface of the ridge is planar. Even assuming that the *Kozaki* publication discloses this feature, there is still no disclosure or suggestion that the upper electrode is in contact with the contact hole, buried layer, and protective layer as recited in Applicants' claims. At best, the *Kozaki* publication discloses that a dielectric layer is formed on an electrode. The electrode is formed on a ridge and protective layer. Accordingly, Applicants' claimed layer structure is novel over the layer structure described in the *Kozaki* publication.

Applicants remind the Office that to properly anticipate a claim, the document must disclose, explicitly or implicitly, each and every feature recited in the claim.

See Verdegall Bros. v. Union Oil Co. of Calif., 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Withdrawal of the rejection to claims 1 and 11 and their corresponding dependent claims is respectfully requested.

Conclusion

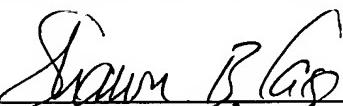
Based on at least the foregoing amendments and remarks, Applicants submit that claims 1-23 are allowable, and this application is in condition for allowance. Accordingly, Applicants request favorable examination and consideration of all pending claims. In the event the instant application can be placed in even better form, Applicants request that the undersigned attorney be contacted at the number below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: March 31, 2008

By:



Shawn B. Cage
Registration No. 51,522

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620